

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT TAYLOR,)	
)	
Plaintiff,)	Case No 13 CV 4597
)	
v.)	Judge Manish S. Shah
)	
RICKY HUGHES and THE CITY OF CHICAGO,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO COMPEL PLAINTIFF TO PROVIDE
A PETITION FOR ATTORNEYS' FEES**

Defendant Ricky Hughes (“Defendant Hughes”) and Defendant City of Chicago (collectively, “Defendants”), by and through one of their attorneys, Scott A. Cohen, Assistant Corporation Counsel Supervisor, for their motion to compel Plaintiff to provide a petition for attorneys’ fees, state as follows:

1. On June 21, 2013, Plaintiff filed his original complaint, which included 10 defendants and a plethora of claims arising from the procurement and execution of a warrant in June 2011 and the aftermath of those events. Dkt. 1.
2. The parties spent years litigating various aspects of Plaintiff’s claims, most of which were unsuccessful. The majority of those defendants and claims were resolved by way of summary judgment.
3. On February 16, 2022, the Seventh Circuit affirmed most of those summary judgment rulings. However, the Seventh Circuit entered judgment against Defendant Hughes for two relatively narrow claims from Plaintiff’s amended complaint. The Seventh Circuit found that Defendant Hughes was reckless when he incorrectly guessed at Plaintiff’s address and when he sought authorization to seize drug paraphernalia and similar items without probable cause to do so, and that his recklessness

invalidated the warrant, and thus made the subsequent search unconstitutional. The Seventh Circuit remanded the matter for a damages-only trial on those two claims.

4. A damages-only trial is currently set for February 12, 2024. Dkt. 384. The Court has set a settlement conference for September 7, 2023, in an attempt to resolve the dispute. Dkt. 386.

5. Defense counsel are attempting to obtain settlement authority, but have been unable to do so without knowing what amount Plaintiff's counsel believes she is owed in attorney's fees/costs. Defense counsel have asked Plaintiff's counsel for an estimate of her fees or for a fee petition outlining her fees. To date, Plaintiff's counsel has declined to provide said information.

6. In order to facilitate a possible settlement, Defendants respectfully request that the Court pursuant to L.R. 54.3 and its inherent authority to compel Plaintiff to provide a fee petition or a reasonably detailed account of Plaintiff's attorneys' fees (excluding any privileged information). Defendants request that the fee petition attempt to claim fees solely for the surviving claims on which Plaintiff has prevailed, and not the many years of litigation on claims that Plaintiff lost.

7. Defendants request that be ordered to do so by August 11, 2023, to enable defense counsel time to analyze the fee petition and seek the appropriate authority to settle the case in its entirety in advance of the September 7, 2023, settlement conference.

8. This motion is brought not for delay or any undue purpose, but rather to facilitate the possibility of resolving this case through the forthcoming settlement conference.

9. Plaintiff's counsel opposes this request.

WHEREFORE, Defendants respectfully request that this Honorable Court compel Plaintiff to provide a fee petition for work related to the surviving claims, and for any such relief that the Court deems appropriate and just.

Dated: July 17, 2023

Respectfully submitted,

/s/ Scott A. Cohen

Scott A. Cohen

Attorney for Defendants

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